

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER GERACE, JR.,

Defendant.

Case No. 1:19-cr-227  
1:23-cr-37  
(LJV)

December 11, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF JOHN McDONALD  
BEFORE THE HONORABLE LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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PRESENT:

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Robert H. Jackson Courthouse  
2 Niagara Square Buffalo, New York 14202  
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09:49AM 1 (Excerpt commenced at 9:49 a.m.)

09:49AM 2 (Jury is present.)

09:49AM 3 **THE COURT:** The government can call its next witness.

09:50AM 4 **MR. COOPER:** Thank you, Your Honor. The government  
09:50AM 5 calls John McDonald.

09:50AM 6  
09:50AM 7 **J O H N M c D O N A L D,** having been duly called and sworn,  
09:50AM 8 testified as follows:

09:50AM 9 **MR. COOPER:** May I inquire, Judge?

09:51AM 10 **THE COURT:** You may.

09:51AM 11

09:51AM 12 **DIRECT EXAMINATION BY MR. COOPER:**

09:51AM 13 Q. Good morning, John.

09:51AM 14 A. Good morning.

09:51AM 15 Q. How old are you?

09:51AM 16 A. 38.

09:51AM 17 Q. 38?

09:51AM 18 A. Yeah.

09:51AM 19 Q. Okay. And where did you grow up generally?

09:51AM 20 A. This area.

09:51AM 21 Q. Okay.

09:51AM 22 A. 716.

09:51AM 23 Q. What's that?

09:51AM 24 A. In the 716, this area.

09:51AM 25 Q. Okay. So you're from Western New York?

09:51AM 1 A. Yeah.

09:51AM 2 Q. Okay. And how far have you gone in school, John?

09:51AM 3 A. Got my GED, college.

09:51AM 4 Q. Okay. You have some college, or did you graduate?

09:51AM 5 A. I'm still going right now.

09:51AM 6 Q. Got it. Good for you.

09:51AM 7 I'm gonna kind of jump right into it here, and then we'll

09:51AM 8 move around a little bit.

09:51AM 9 During times in your life, have you struggled with drugs?

09:51AM 10 A. Yes.

09:51AM 11 Q. Okay. When did that start?

09:51AM 12 A. Young age. Young.

09:51AM 13 Q. About how old is a young age?

09:51AM 14 A. 15, 16.

09:51AM 15 Q. What kind of drugs did you start using at that age?

09:51AM 16 A. Alcohol, weed.

09:51AM 17 Q. Okay. Did that progress over time to harder drugs?

09:51AM 18 A. Yes.

09:51AM 19 Q. Can you describe that for the jury?

09:51AM 20 A. Yeah. Cocaine. Heroin. Everything, really. Just, I

09:51AM 21 like to party.

09:51AM 22 Q. Okay. About what age were you when you started using

09:52AM 23 cocaine?

09:52AM 24 A. 19, 20.

09:52AM 25 Q. Now, did there come a time when you got involved in

09:52AM 1 selling cocaine?

09:52AM 2 A. Yes.

09:52AM 3 Q. Okay. Now, what kind of work, other than selling

09:52AM 4 cocaine, what kind of work were you doing at that time?

09:52AM 5 A. Construction, roofing.

09:52AM 6 Q. When you were doing roofing, were you working mostly in

09:52AM 7 the warmer months up here?

09:52AM 8 A. Yes.

09:52AM 9 Q. Okay. In the colder months, were you doing less roofing?

09:52AM 10 A. Yes.

09:52AM 11 Q. Were you doing more cocaine selling at that time?

09:52AM 12 A. Yes.

09:52AM 13 Q. Okay. Ultimately, we're gonna fast forward for a second,

09:52AM 14 did there come a time when you were arrested by federal law

09:52AM 15 enforcement and charged here in federal court for charges

09:52AM 16 related to drug distribution and possessing a firearm?

09:52AM 17 A. Yes.

09:52AM 18 Q. Okay. And did you get an attorney on that case?

09:52AM 19 A. Yes.

09:52AM 20 Q. Did you ultimately plead guilty on that case?

09:53AM 21 A. Yes.

09:53AM 22 Q. Okay. As a part of your guilty plea, did you enter into

09:53AM 23 what's called a cooperation agreement?

09:53AM 24 A. Yes.

09:53AM 25 Q. Okay. And that guilty plea, did that happen sometime

1 around 2020?

2 A. Yeah.

3 Q. Okay. I'm going to hand you what's marked for

4 identification as 3649L.

5 **MR. COOPER:** May I approach the witness, Judge?

6 **THE COURT:** You may.

7 **MR. COOPER:** Do you need this, Mr. Soehnlein? Are  
8 you good?

9 **MR. SOEHNLEIN:** No, I don't need to see it. Thank  
10 you.

11 **BY MR. COOPER:**

12 Q. Do you recognize that, John?

13 A. Yes.

14 Q. Okay. What do you recognize that to be?

15 A. My plea agreement.

16 Q. Okay. And did you enter into that with the assistance of  
17 your attorney?

18 A. Yes.

19 Q. Okay. And part of that plea agreement, did it include a  
20 cooperation section?

21 A. Yes.

22 Q. What was your understanding of your obligations in the  
23 cooperation agreement that you signed?

24 A. That I'd have to come -- come to someone's trial and  
25 testify.

09:53AM 1 Q. Okay. And have you -- without getting into any more  
09:53AM 2 details, just a "yes" or "no" answer to this question, have  
09:53AM 3 you done that before today?

09:53AM 4 A. Yes.

09:53AM 5 Q. Have you done that at least twice before today?

09:53AM 6 A. Yes.

09:54AM 7 **MR. COOPER:** Okay. Judge, can I approach?

09:54AM 8 **THE COURT:** Yeah, sure.

09:54AM 9 **MR. COOPER:** Thank you.

09:54AM 10 **BY MR. COOPER:**

09:54AM 11 Q. May I have that back, John? Thanks.

09:54AM 12 So is today the third time that you're testifying in a  
09:54AM 13 proceeding like this one?

09:54AM 14 A. Yes.

09:54AM 15 Q. Does your cooperation agreement require that you show up  
09:54AM 16 when you're called to show up?

09:54AM 17 A. Yes.

09:54AM 18 Q. Does it require that you answer any questions that are  
09:54AM 19 asked of you truthfully?

09:54AM 20 A. Yes.

09:54AM 21 Q. Ultimately, when you entered into that cooperation  
09:54AM 22 agreement, John, was it your hope that at on the back end  
09:54AM 23 when you were sentenced, you'd receive some sort of benefit?

09:54AM 24 A. Yes.

09:54AM 25 Q. Okay. Now, in this instance, you've actually been

09:54AM 1 sentenced already; is that correct?

09:54AM 2 A. Yes.

09:54AM 3 Q. Now, you told us just a moment ago that you've testified  
09:54AM 4 at two other proceedings. Were you sentenced sometime after  
09:54AM 5 the second proceeding that you testified at?

09:54AM 6 A. Yes.

09:54AM 7 Q. At that time, when you were finally sentenced, had you  
09:54AM 8 been pending sentence for quite some time?

09:54AM 9 A. Yeah, about five years.

09:54AM 10 Q. Okay. Ultimately, what was the sentence that you  
09:55AM 11 received from a judge in this courthouse?

09:55AM 12 A. 24 months.

09:55AM 13 Q. Okay. And did that amount to time served, based on how  
09:55AM 14 long you had spent incarcerated?

09:55AM 15 A. Yes.

09:55AM 16 Q. Okay.

09:55AM 17 A. I think I did, like, 26 months. I think more than what  
09:55AM 18 they sentenced me to.

09:55AM 19 Q. A little extra on the top?

09:55AM 20 A. Yeah.

09:55AM 21 Q. Ultimately, you were facing more time than that, right?

09:55AM 22 A. Yes.

09:55AM 23 Q. Okay. And you cooperated, and you ended up serving about  
09:55AM 24 26 months; is that accurate?

09:55AM 25 A. Yes.

09:55AM 1 Q. Can you give the jury an idea of the timeframe that you  
09:55AM 2 were involved in distributing cocaine? What years are we  
09:55AM 3 talking about?  
09:55AM 4 A. Probably from 2015 to 2019.  
09:55AM 5 Q. What was the first year you said?  
09:55AM 6 A. '15. 2015 to 2019.  
09:55AM 7 Q. And then up to 2019?  
09:55AM 8 A. Yeah.  
09:55AM 9 Q. Okay. And what drugs did you distribute?  
09:55AM 10 A. Cocaine.  
09:55AM 11 Q. Okay. During that time -- well, withdrawn.  
09:55AM 12 At any time in your life, have you ever been to a strip  
09:56AM 13 club before?  
09:56AM 14 A. Yes.  
09:56AM 15 Q. Do you like strip clubs?  
09:56AM 16 A. Yes.  
09:56AM 17 Q. Have you been to strip clubs a lot?  
09:56AM 18 A. Yes.  
09:56AM 19 Q. Have you ever heard of a place called Pharaoh's  
09:56AM 20 Gentlemen's Club?  
09:56AM 21 A. Yes.  
09:56AM 22 Q. Have you been there before?  
09:56AM 23 A. Yes.  
09:56AM 24 Q. Okay. I'd like for you to tell the jury how many times  
09:56AM 25 you've been to Pharaoh's Gentlemen's Club.



09:56AM 1 A. It's uncountable.

09:56AM 2 Q. Okay. More than you can recall or estimate?

09:56AM 3 A. Four, five times a week, for years.

09:56AM 4 Q. Okay. I want to discuss with you now what you observed,  
09:56AM 5 and conduct that you've participated in when you were at  
09:56AM 6 Pharaoh's Gentlemen's Club.

09:56AM 7 Earlier on your direct examination, you described using  
09:56AM 8 cocaine, and I think what you said is "I like to party."

09:56AM 9 During those times that you went to Pharaoh's, four or  
09:56AM 10 five times a week for years, were you a heavy cocaine user?

09:56AM 11 A. Yes.

09:56AM 12 Q. When you went to Pharaoh's Gentlemen's Club, would you  
09:56AM 13 use cocaine there?

09:56AM 14 A. Yes.

09:56AM 15 Q. Okay. Can you tell the jury, if you can, estimate, how  
09:56AM 16 many times you personally have used cocaine inside of  
09:56AM 17 Pharaoh's?

09:56AM 18 A. 100? 200?

09:57AM 19 Q. Okay. Now if you went to Pharaoh's four or five times a  
09:57AM 20 week, would it be fair to say that you used cocaine every  
09:57AM 21 time you went?

09:57AM 22 A. Yes.

09:57AM 23 Q. Okay.

09:57AM 24 A. Absolutely.

09:57AM 25 Q. Okay. Would you go to Pharaoh's if you didn't have any

09:57AM 1 cocaine?

09:57AM 2 A. I never didn't have cocaine.

09:57AM 3 Q. Okay. Let's talk about what you did while you were in  
09:57AM 4 Pharaoh's.

09:57AM 5 Where would you use cocaine inside of Pharaoh's  
09:57AM 6 Gentlemen's Club?

09:57AM 7 A. Wherever I was at.

09:57AM 8 Q. Okay.

09:57AM 9 A. I didn't hide it. I did it right out in the open.

09:57AM 10 Q. You didn't hide it?

09:57AM 11 A. No.

09:57AM 12 Q. Let's talk about the geography or the layout of  
09:57AM 13 Pharaoh's. When you walk in the front door, is there, like,  
09:57AM 14 a bouncer by the door?

09:57AM 15 A. Yes.

09:57AM 16 Q. They ever, like, check your pockets to see if you had  
09:57AM 17 cocaine on you?

09:57AM 18 A. No.

09:57AM 19 Q. That didn't happen?

09:57AM 20 A. No.

09:57AM 21 Q. Okay. When you got --

09:57AM 22 **THE COURT:** Right into the microphone, Mr. McDonald.

09:57AM 23 **THE WITNESS:** Sorry. No.

09:57AM 24 **MR. COOPER:** Or just -- or just talk a little louder.

25

09:57AM

1

**BY MR. COOPER:**

09:57AM

2

Q. That big -- is there a big open when you walk inside?

09:57AM

3

A. Yes.

09:57AM

4

Q. Is that where the stage is?

09:57AM

5

A. Yes.

09:57AM

6

Q. Are there tables there?

09:57AM

7

A. Yes.

09:57AM

8

Q. Would you sit at those tables and watch dancers?

09:57AM

9

A. No, I'd sit over to the left where the pool table used to

09:57AM

10

be.

09:57AM

11

Q. Okay. So you'd sit by the pool table?

09:58AM

12

A. Um-hum.

09:58AM

13

Q. Is that a yes?

09:58AM

14

A. Yes.

09:58AM

15

Q. Okay. When you're sitting over by the pool table, would

09:58AM

16

you use cocaine out in the open in that area?

09:58AM

17

A. Yes.

09:58AM

18

Q. Okay. Did anybody ever come over and throw you out for

09:58AM

19

that?

09:58AM

20

A. No.

09:58AM

21

Q. You get in trouble for it?

09:58AM

22

A. No.

09:58AM

23

Q. Let's talk about selling cocaine.

09:58AM

24

You told the jury earlier that you've sold cocaine for

09:58AM

25

times in your life from about 2015 to 2019; is that correct?

09:58AM

1 A. Yes.

09:58AM

2 Q. Were you going to Pharaoh's during the time that you were  
3 a cocaine dealer?

09:58AM

4 A. Yes.

09:58AM

5 Q. Okay. Would you distribute cocaine, whether you sold it  
6 or gave it away, to other people at Pharaoh's?

09:58AM

7 A. Yes.

09:58AM

8 Q. Did that happen frequently?

09:58AM

9 A. Yes.

09:58AM

10 Q. Describe for the jury the different people that you would  
11 sell or give cocaine to at Pharaoh's.

09:58AM

12 A. I believe it was, I mean, everybody. I'd give the shit  
13 away. I like to party, and I want everyone to have fun, you  
14 know what I mean? I'd give it to dancers, the bouncers,  
15 whatever.

09:58AM

16 Q. Okay.

09:58AM

17 A. You know what I mean?

09:58AM

18 Q. Were there times when you went to Pharaoh's with friends?

09:58AM

19 A. Yes.

09:58AM

20 Q. Would you share cocaine among your friends while you were  
21 there?

09:58AM

22 A. Yes.

09:58AM

23 Q. Were there times when you gave cocaine to dancers that  
24 were working at Pharaoh's?

09:59AM

25 A. Yes.

09:59AM

09:59AM 1 Q. Did that happen frequently?

09:59AM 2 A. Yes.

09:59AM 3 Q. Was that something you enjoyed doing while you were  
09:59AM 4 there?

09:59AM 5 A. Absolutely.

09:59AM 6 Q. Okay. And you mentioned bouncers. Would you give  
09:59AM 7 cocaine to bouncers?

09:59AM 8 A. Yes.

09:59AM 9 Q. Did you get money from them, or you just gave it away?

09:59AM 10 A. I just gave it to them. They let me do whatever I want.

09:59AM 11 Q. Okay. Did there come a time ultimately, John, when you  
09:59AM 12 were not allowed back at Pharaoh's?

09:59AM 13 A. Yes.

09:59AM 14 Q. Can you describe for the jury your understanding of why  
09:59AM 15 you were not allowed back at Pharaoh's?

09:59AM 16 A. I went to go in one day. They said I wasn't allowed in,  
09:59AM 17 that Peter reviewed the videotapes, and said that I don't own  
09:59AM 18 the place, and I ain't allowed in there.

09:59AM 19 Q. Okay. So you were acting like you owned the place?

09:59AM 20 A. Yeah.

09:59AM 21 Q. Okay. At that time when you were a heavy cocaine user,  
09:59AM 22 would you, I don't know, would you act inappropriately at the  
09:59AM 23 club?

09:59AM 24 A. Yeah.

09:59AM 25 Q. Okay. Is that your understanding of why you weren't

09:59AM 1 allowed back there?

09:59AM 2 A. Yeah.

09:59AM 3 Q. Okay.

09:59AM 4 **MR. COOPER:** Just a second please, Judge.

09:59AM 5 **THE COURT:** Sure.

09:59AM 6 **MR. COOPER:** I have no further direct. Thank you,  
10:00AM 7 Judge.

10:00AM 8 **THE COURT:** Mr. Soehnlein?

10:00AM 9 **MR. SOEHNLEIN:** Thank you, Judge.

10:00AM 10

10:00AM 11 **CROSS-EXAMINATION BY MR. SOEHNLEIN:**

10:00AM 12 Q. Good morning, Mr. McDonald, how are you?

10:00AM 13 A. Good.

10:00AM 14 Q. We've never met before, correct?

10:00AM 15 A. Correct.

10:00AM 16 Q. You've met these folks before, correct?

10:00AM 17 A. Yes.

10:00AM 18 Q. Sitting at that back table there, who did you -- strike  
10:00AM 19 that -- who do you know the longest?

10:00AM 20 A. Probably Marilyn.

10:00AM 21 Q. Ms. Halliday, correct?

10:00AM 22 A. Yes.

10:00AM 23 Q. Yeah. She arrested you on a cruise ship at some point in  
10:00AM 24 time, correct?

10:00AM 25 A. Yes.

10:00AM 1 Q. And when she arrested you, she knew your nickname? Your  
10:00AM 2 nickname is Noodle, or something like that?

10:00AM 3 A. Yep.

10:00AM 4 Q. All right. Just give me a minute here just to try to  
10:00AM 5 pull this up.

10:00AM 6 So, I just want to dive into your testimony real quick.

10:00AM 7 You testified you go to strip clubs all the time,  
10:00AM 8 correct?

10:00AM 9 A. Yes.

10:01AM 10 Q. Yeah. That's more than just Pharaoh's, correct?

10:01AM 11 A. Not -- now, it is, but back then it was just Pharaoh's,  
10:01AM 12 like, until I got kicked out, and then I switched clubs.

10:01AM 13 Q. Okay. And -- and the stuff that you did at Pharaoh's,  
10:01AM 14 you did at other clubs?

10:01AM 15 **MR. COOPER:** Objection.

10:01AM 16 **THE COURT:** Sustained.

10:01AM 17 **BY MR. SOEHNLEIN:**

10:01AM 18 Q. Pharaoh's is the only club you've ever been kicked out  
10:01AM 19 of?

10:01AM 20 A. No.

10:01AM 21 Q. Okay. Now, you -- when you're going in and you're --  
10:01AM 22 you're selling cocaine -- or, you're using cocaine or, you  
10:01AM 23 know, you're doing what you're doing in that timeframe, which  
10:01AM 24 I think you said was like '15 to '19, correct?

10:01AM 25 A. Yes.

10:01AM 1 Q. Now, when you are kicked out of the club, you're told  
10:01AM 2 it's because of something that's on the camera system,  
10:01AM 3 correct?

10:01AM 4 A. Yeah. I was told that Peter reviewed the cameras and  
10:01AM 5 didn't like what I was doing, and that I thought I owned the  
10:01AM 6 place, and I wasn't allowed in there anymore.

10:01AM 7 Q. Okay. So your understanding was, and just "yes" or "no,"  
10:01AM 8 Peter reviewed the cameras, correct?

10:01AM 9 A. Yes.

10:01AM 10 Q. And Peter was making a decision that you were gonna get  
10:01AM 11 kicked out of the club, correct?

10:01AM 12 A. Yes.

10:01AM 13 Q. And that was for conduct you had done inside the club,  
10:01AM 14 correct?

10:02AM 15 A. Correct.

10:02AM 16 Q. Okay. And inside the club, you were using cocaine,  
10:02AM 17 correct?

10:02AM 18 A. Yes.

10:02AM 19 Q. Okay. Now, you have -- I think you -- you pled guilty on  
10:02AM 20 February 27th of 2020; do you recall that?

10:02AM 21 A. Yes.

10:02AM 22 Q. Correct? And you had a plea agreement in the case,  
10:02AM 23 correct?

10:02AM 24 A. Correct.

10:02AM 25 Q. And Mr. Cooper asked you some questions about some of



10:02AM 1 your criminal conduct, correct?

10:02AM 2 A. Yes.

10:02AM 3 Q. And that involved distributing cocaine?

10:02AM 4 A. Yes.

10:02AM 5 Q. And I think you had a firearm as well?

10:02AM 6 A. Yes.

10:02AM 7 Q. And in your plea agreement, the government was seeking an  
10:02AM 8 enhancement for obstruction of justice, correct?

10:02AM 9 A. Yes.

10:02AM 10 Q. And -- and what did that relate to?

10:02AM 11 A. Say it again? I'm sorry?

10:02AM 12 Q. What -- what was that about? Why --

10:02AM 13 A. I cut my ankle monitor off.

10:02AM 14 Q. Okay. You cut your ankle monitor off when you were on  
10:02AM 15 supervised release?

10:02AM 16 A. Yeah.

10:02AM 17 Q. And that was because you wanted to get away?

10:02AM 18 A. Well, nah, I was -- I was going to jail on Monday, so I  
10:02AM 19 cut it off on Friday and enjoyed my weekend.

10:02AM 20 Q. Okay. And enjoyed your weekend? What did you do over  
10:03AM 21 the weekend?

10:03AM 22 A. I just partied, chilled in a motel, had sex, ate food,  
10:03AM 23 and went to jail.

10:03AM 24 Q. Okay. You -- you used illegal drugs?

10:03AM 25 A. Yes.

10:03AM 1 Q. You engaged in sex?

10:03AM 2 A. Yes.

10:03AM 3 Q. And you did it without your ankle monitor on?

10:03AM 4 A. Yes.

10:03AM 5 Q. You knew you were supposed to have your ankle monitor on,

10:03AM 6 correct?

10:03AM 7 A. Yes.

10:03AM 8 Q. That's by order of the Court, correct?

10:03AM 9 A. Yes.

10:03AM 10 Q. And -- and that's obstruction of justice?

10:03AM 11 A. Sure.

10:03AM 12 Q. Yeah. And that's something that you did, correct?

10:03AM 13 A. Yep.

10:03AM 14 Q. And you did that in what year?

10:03AM 15 A. '19. 2019.

10:03AM 16 Q. Okay. You did it after all this stuff that you testified

10:03AM 17 about at Pharaoh's, correct?

10:03AM 18 A. Yeah.

10:03AM 19 Q. Okay. Now, I asked you about Ms. Halliday.

10:03AM 20 You've met with law enforcement several times. You met

10:03AM 21 with them on September 13th of 2019, correct?

10:03AM 22 A. If you say so.

10:03AM 23 Q. Do you recall that?

10:03AM 24 A. I mean, it's been a bunch of times, I don't know the

10:03AM 25 dates.

10:03AM 1 Q. Do you recall how many times?

10:03AM 2 A. No, I don't.

10:04AM 3 Q. You don't?

10:04AM 4 A. No, I don't.

10:04AM 5 Q. Okay. Do you recall meeting with them at least twice  
10:04AM 6 before you pled guilty, right?

10:04AM 7 A. Yes.

10:04AM 8 Q. And so that would have been sometime in 2019, correct?

10:04AM 9 A. Yes.

10:04AM 10 Q. Okay. And then you recall testifying in -- at other  
10:04AM 11 matters, that was at least twice, correct?

10:04AM 12 A. Yes.

10:04AM 13 Q. And then you recall some other times where you had more  
10:04AM 14 recent meetings in 2023 and 2024 where you called law  
10:04AM 15 enforcement, correct?

10:04AM 16 A. Where I called law enforcement?

10:04AM 17 Q. Yeah.

10:04AM 18 A. I don't think so.

10:04AM 19 Q. You don't recall that?

10:04AM 20 A. No.

10:04AM 21 Q. Okay. I'm gonna try and refresh your memory on that real  
10:04AM 22 quick.

10:04AM 23 **MR. SOEHNLEIN:** Could we show Mr. McDonald 3649K?

10:04AM 24 **BY MR. SOEHNLEIN:**

10:05AM 25 Q. And all I want you to do is if go to the second page,

1 this is for the witness, just read the first paragraph there.

2 Do you see that?

3 A. Yep. Yep.

4 **MR. SOEHNLEIN:** That's fine. You can take it down.

5 **BY MR. SOEHNLEIN:**

6 Q. All right. So that refreshes your recollection that

7 there have been times where you have contacted law

8 enforcement, correct?

9 A. Yeah.

10 Q. And you've contacted Ms. Halliday, correct?

11 A. Yep.

12 Q. You were provided a cell phone number for Ms. Halliday,

13 correct?

14 A. Yes.

15 Q. Okay. And you would contact her when you had

16 information, correct?

17 A. Or if I needed something. Like, this building's fucking

18 you up, man. You need help sometimes.

19 Q. Right. And so if -- if you needed something, you felt it

20 was appropriate to contact Ms. Halliday, correct?

21 A. I mean, that's who I was comfortable with.

22 Q. Right. Even though you had an attorney at the time,

23 correct?

24 A. Yeah. I don't like him.

25 Q. Okay. And so instead of contacting your attorney, you

10:06AM 1 would -- on behalf of the defense Bar, I'm not gonna take  
10:06AM 2 offense at that -- you -- you felt comfortable contacting  
10:06AM 3 Ms. Halliday, correct?  
10:06AM 4 A. Yeah.  
10:06AM 5 Q. You had her cell phone, correct?  
10:06AM 6 A. Um-hum.  
10:06AM 7 Q. You reach out to her via text, correct?  
10:06AM 8 A. Yep.  
10:06AM 9 Q. And she would be responsive to whatever you needed help  
10:06AM 10 with, correct?  
10:06AM 11 A. Sure.  
10:06AM 12 Q. There was even a time where you were trying to schedule  
10:06AM 13 some sort of a job interview, correct?  
10:06AM 14 A. Yeah. Yeah, yeah, yeah. Yeah. Yep.  
10:06AM 15 Q. And probation was giving you a hard time, right?  
10:06AM 16 A. Yeah, they wouldn't let me go.  
10:06AM 17 Q. Yeah. So you had already pled guilty, correct? Right?  
10:06AM 18 A. Yep.  
10:06AM 19 Q. And you had a problem with probation, right?  
10:06AM 20 A. Yep.  
10:06AM 21 Q. So at that point in time, you're a felon, right?  
10:06AM 22 A. Yeah.  
10:06AM 23 Q. And probation was giving you a hard time, correct?  
10:06AM 24 A. Um-hum.  
10:06AM 25 Q. And you reached out to Special Agent Halliday, correct?

1 A. Yes.

2 Q. For help, right?

3 A. Yep.

4 Q. Because in your head, that's who you were comfortable  
5 with, right?

6 A. Yes.

7 Q. Okay. And -- and Special Agent Halliday didn't tell you  
8 not to contact her, right?

9 A. No.

0 Q. No. She just told you don't text me, right?

1 A. She said shoot me a text and I'll call you.

2 Q. Okay. Do you specifically recall those text messages?

3 A. No.

4 Q. Okay.

5 **MR. SOEHNLEIN:** Hold on. Can we show the witness  
6 3649I. And I just want to show him -- the WiFi is pretty slow  
7 here today, but I believe it's just the last page.

8 **BY MR. SOEHNLEIN:**

9 Q. Okay. You recall these text messages, correct?

0 A. Yeah.

1 Q. These are text messages that you had with Special Agent  
2 Halliday, correct?

3 A. Yep.

4 Q. And you had reached out to her for help with probation,  
5 correct?

10:08AM 1 A. Yeah.

10:08AM 2 Q. Yeah. And she'd indicated to you that she would call the  
10:08AM 3 AUSA on your behalf, correct?

10:08AM 4 A. Yeah.

10:08AM 5 Q. Okay.

10:08AM 6 A. I was here, like, the day before, and it just happened  
10:08AM 7 to, like, work. It all worked out, because I was here for, I  
10:08AM 8 think it was a status conference or something, and I seen  
10:08AM 9 her.

10:08AM 10 And then the next day, like, all that shit went crazy  
10:08AM 11 with my PO, so I sent her a text.

10:08AM 12 Q. Yeah. And you wanted help with probation, right?

10:08AM 13 A. Yeah.

10:08AM 14 Q. Yeah. And -- and she didn't tell you not to contact her,  
10:08AM 15 right?

10:08AM 16 A. No.

10:08AM 17 Q. She told you that she would help you, right?

10:08AM 18 A. She did help.

10:08AM 19 Q. Yeah. And at the bottom -- at the end, she says, by the  
10:08AM 20 way, don't text me, let's just talk, right?

10:08AM 21 A. Yeah. That's what it says.

10:08AM 22 **MR. SOEHNLEIN:** Okay. That's all I have. Thank you.

10:08AM 23 **MR. COOPER:** Just a second, Judge.

10:08AM 24

25

**REDIRECT EXAMINATION BY MR. COOPER:**

Q. John, you have no idea if Marilyn Halliday called Khalid Emerson, your probation officer, correct?

A. No.

Q. You have no idea if that happened. You have no idea if I told Marilyn, we're not getting involved in that. You have no clue, right?

A. No.

Q. What you know is that whatever you had going on with probation ultimately worked out, and she texted you back and said great, right?

A. Yes.

Q. Okay. So when Mr. Soehnlein was asking you questions about Special Agent Halliday intervening on your behalf, you're guessing, because it worked out for you, right?

A. Yes.

Q. You don't know if she reached out to Emerson, right?

A. Correct.

Q. Emerson would know that, right?

A. Correct.

Q. And Halliday would know that, right?

A. Well, Emerson yelled at me the next day for making a phone call. So I believe, you know -- you know what I mean? Something happened somewhere, and he didn't like it.

Q. You have no idea if anybody asked for a benefit on your



10:09AM 1 behalf, do you?

10:09AM 2 A. No.

10:09AM 3 Q. Okay. You were asked some questions about contacting --  
10:09AM 4 reaching out directly to Special Agent Halliday; do you  
10:09AM 5 remember that?

10:09AM 6 A. Yeah.

10:09AM 7 Q. One of the times that you reached out to Special Agent  
10:09AM 8 Halliday on the phone, is it because you got threatened or  
10:09AM 9 assaulted for being a cooperator?

10:09AM 10 **MR. SOEHNLEIN:** Objection.

10:09AM 11 **MR. COOPER:** Judge --

10:09AM 12 **THE COURT:** Basis?

10:09AM 13 **MR. SOEHNLEIN:** Beyond the scope of direct.

10:10AM 14 **MR. COOPER:** Oh, no.

10:10AM 15 **THE COURT:** No, overruled.

10:10AM 16 **BY MR. COOPER:**

10:10AM 17 Q. Did you get threatened or assaulted for cooperating with  
10:10AM 18 the government?

10:10AM 19 A. Yes, more than once.

10:10AM 20 Q. Okay. Is that a pleasant experience?

10:10AM 21 A. No, not at all.

10:10AM 22 Q. Do you want to try to be safe?

10:10AM 23 A. Yes.

10:10AM 24 Q. Is calling a federal agent who you know something you do  
10:10AM 25 to try to keep yourself safe when you get threatened or

10:10AM 1 assaulted for being a cooperator?

10:10AM 2 A. Yeah. And it's more of me just saying fuck you, you know  
10:10AM 3 what I'm saying? To them.

10:10AM 4 Like, I'm in trouble because I hung out in a fucking  
10:10AM 5 strip club. You know what I'm saying?

10:10AM 6 So me being here, I could care less about the cooperation  
10:10AM 7 points, it's me saying fuck you.

10:10AM 8 Q. Okay. You were asked some questions about being arrested  
10:10AM 9 on a cruise ship; do you remember that?

10:10AM 10 A. Um-hum.

10:10AM 11 Q. Okay. Before you got arrested on the cruise ship, let's  
10:10AM 12 talk about, maybe, the night before. Were you acting super  
10:10AM 13 inappropriately on the cruise ship?

10:10AM 14 A. Absolutely.

10:10AM 15 Q. Were you smoking marijuana in the hallways on the cruise  
10:10AM 16 ship?

10:10AM 17 A. Yes.

10:10AM 18 Q. Were you taking pizza pies and slapping them on the  
10:11AM 19 walls?

10:11AM 20 A. Yes.

10:11AM 21 Q. Were you acting like a jerk?

10:11AM 22 A. Yes.

10:11AM 23 Q. Did you, when you got arrested at that moment, the next  
10:11AM 24 morning, that you were being arrested for the way you  
10:11AM 25 contacted yourself on the ship?

1 A. Yes.

2 Q. Is that similar to the reason why you think you got  
3 kicked out of Pharaoh's Gentlemen's Club?

4 A. Absolutely.

5 **MR. COOPER:** Okay. I'm good, Judge.

6 **THE COURT:** Anything more, Mr. Soehnlein?

7

8 **RECCROSS-EXAMINATION BY MR. SOEHNLEIN:**

9 Q. Ms. Halliday never told you not to contact her, correct?

10 A. No.

11 **MR. SOEHNLEIN:** That's all I have.

12 **MR. COOPER:** No, I'm good. Thank you.

13 **THE COURT:** You can step down, sir. Thank you very  
14 much.

15 **THE WITNESS:** Thank you.

16 (Witness excused at 10:11 a.m.)

17 (Excerpt concluded at 10:11 a.m.)

18 \* \* \* \* \*

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**CERTIFICATE OF REPORTER**

In accordance with 28, U.S.C., 753(b), I  
certify that these original notes are a true and correct  
record of proceedings in the United States District Court for  
the Western District of New York on December 11, 2024.

s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR  
Official Court Reporter  
U.S.D.C., W.D.N.Y.

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DECEMBER 11, 2024

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